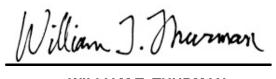
Case 16-24818 Doc 796 Filed 07/28/17 Entered 07/28/17 13:12:22 Desc Main Document Page 1 of 10

## This order is SIGNED.

**Dated: July 28, 2017** 





WILLIAM T. THURMAN U.S. Bankruptcy Judge

uae

#### Proposed Order Prepared and Submitted By:

Ralph R. Mabey (#2036) Adelaide Maudsley (#8791)

## KIRTON McCONKIE P.C.

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Pedro A. Jimenez (admitted *pro hac vice*) Robert W. Hamilton (admitted *pro hac vice*) Paul Huck, Jr. (admitted *pro hac vice*) Cristina Pérez Soto (admitted *pro hac vice*)

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Counsel for Tamra Mining Company, Waterloo Street Limited, PacNet Capital (U.S.) Limited and DXS Capital (U.S.) Limited

# IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH

In re CS MINING, LLC,

Bankruptcy Case No. 16-24818

Debtor.

Chapter 11

Judge William T. Thurman

ORDER DENYING MOTION PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9019 TO APPROVE SETTLEMENT BY AND BETWEEN CS MINING, LLC AND DAVID J. RICHARDS, LLC DBA WESTERN US MINERAL INVESTORS, LLC

The "Motion Pursuant To Federal Rule of Bankruptcy Procedure 9019 to Approve Settlement Agreement by and between CS Mining, LLC and David J. Richards, LLC dba Western US Mineral Investors, LLC" (Docket No. 664) (the "WUMI Settlement Motion") having come before the Court for evidentiary hearing on July 21, 2017 (the "Hearing"); and at the Hearing, Donald J. Detweiler, Francis J. Lawall, Joanna J. Cline, Jeff Tuttle, and Troy Aramburu having appeared on behalf of the Debtor; Ralph R. Mabey, Adelaide Maudsley, Pedro A. Jimenez, Robert W. Hamilton, and Cristina Pérez Soto having appeared on behalf of Waterloo Street Limited, Tamra Mining Company, LLC, PacNet Capital (U.S.) Limited, and DXS Capital (U.S.) Limited; Martin J. Brill and Philip A. Gasteier (telephonically) having appeared on behalf of the Unsecured Creditors' Committee; David L. Pinkston and P. Matthew Cox having appeared on behalf of David J. Richards, LLC d/b/a Western US Mineral Investors, LLC; James W. Anderson and Walter A. Romney, Jr. having appeared on behalf of Noble Americas Corp.; Mona L. Burton appeared on behalf of Brahma Group, Inc.; David H. Leigh having appeared on behalf of Caterpillar Financial Services Corporation and Komatsu Financial Limited Partnership; Kenneth L. Cannon having appeared on behalf of Wellington Financing Partners, LLC, St. Cloud Capital Partners II, Broadbill Partners, L.P., and Oxbow Carbon LLC; Steve Alder having appeared on behalf of the State of Utah Division of Oil, Gas and Mining; Vincent Cameron having appeared on behalf of the Office of the United States Trustee; and any other appearances or telephonic participants having been noted on the record; and the Court having taken the matter under advisement and having issued its "Memorandum Decision Denying Motion to Approve

Case 16-24818 Doc 796 Filed 07/28/17 Entered 07/28/17 13:12:22 Desc Main Document Page 3 of 10

Settlement" (Docket No. 793) (the "<u>Decision</u>") on July 27, 2017; and incorporating herein by reference the findings of fact and conclusions of law set forth in the Decision; and for good cause appearing,

#### IT IS HEREBY ORDERED THAT:

1. The WUMI Settlement Motion is DENIED.

-----

END OF ORDER

## **DESIGNATION OF PARTIES TO BE SERVED**

Service of the foregoing Order shall be made to the following parties in the manner designated below:

### **BY CM/ECF ELECTRONIC SERVICE:**

The undersigned certifies that the parties of record in this case are identified below, are registered users of CM/ECF system, and are to receive notice of the foregoing order through the CM/ECF system.

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## **BY US MAIL**:

The undersigned further certifies the following are to receive a copy of the foregoing Order by first class US Mail, postage prepaid.

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Levene, Neale, Bender, Yoo & Brill L.L.P. 10250 Constellation Blvd. Suite 1700 Los Angeles, CA 90067

/s/ Adelaide Maudsley
-----------------------

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 28, 2017, the foregoing document was filed with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system and was electronically served by CM/ECF to each of the following counsel of record:

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And by first class US Mail, postage prepaid, on July 28, 2017, to the following parties:

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